

On September 1, 2009, Dr. Chastain and Dr. Nalagan (collectively, “the defendants”) filed a second motion for summary judgment. As in their first motion, the defendants ask the Court to grant summary judgment in their favor on plaintiff’s

claim against them for deliberate indifference to his serious medical needs. Because the Court has previously ruled on this issue, the Court will treat the defendants' second motion for summary judgment as a motion for reconsideration of the August 6, 2008 Memorandum and Order.

Upon careful review of the defendants' second motion for summary judgment, the Court believes that reconsideration of its prior decision is not warranted. The statements of material facts for both motions for summary judgment contain virtually the same citations to plaintiff's medical records. See (Doc. ##56; 83). Although the statement of material facts for the second motion includes "[a] more in-depth scrutiny of [p]laintiff's medical records," this documentation was available to the defendants when they filed their first motion for summary judgment. (Doc. #82, at 2, para. 7). The defendants also offer new deposition testimony of Dr. Chastain and Dr. Nalagan; however, this new evidence merely explains and confirms the information already disclosed in plaintiff's medical records. Because the defendants offer no arguments regarding an error of law or fact, the Court will not reconsider its August 6, 2008, Memorandum and Order.

Accordingly,

IT IS HEREBY ORDERED that the second motion for summary judgment filed by defendants Dr. Charles Chastain and Dr. Marcos Nalagan [Doc. #82] is denied.


CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of December, 2009.